



**Law Office of
David Wims**

1430 Pitkin Ave., 2nd Floor
Brooklyn, NY 11233
Phone: (646) 393-9550
Fax: (646) 393-9552
email: davidwims@hotmail.com
http://www.wimslaw.com

September 6, 2011

BY ECF

United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
Attn: Hon. Jack Weinstein

*Reargument is
denied - S
ordered for
9/28/11*

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **SEP 29 2011** ★

BROOKLYN OFFICE

Re: Polanco et al v. Brookdale Hospital (11CV2102)(JBW)(RLM)

Dear Judge Weinstein:

I represent Plaintiffs in the above entitled proceeding. I write to request reconsideration of so much of Your most recent Order that denied Plaintiffs the opportunity to move for collective certification; and placed this matter on an expedited trial schedule.

At oral argument, defense counsel indicated to You that there was a "similar" proceeding pending in the Central Islip courthouse against several Defendants, including the instant Defendant. That case is entitled *Sampson v. MediSys Health Network, Inc.*, 10CV1342 (SJF). It appears that on the basis of that representation from defense counsel, You refused to allow the instant Plaintiffs to move for collective certification under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b), and to allow this case to proceed in a normal fashion. Plaintiffs wish to clarify as to the other pending action.

Plaintiffs have no connection whatsoever to the *Sampson* action. The Plaintiffs in that action have not even moved for collective certification, and currently there is a motion to dismiss pending before Judge Feurstein. The instant Plaintiffs are unaware of the *Sampson* action and have in no way participated in it, nor filed consents to join. The only connection between the two actions is that the Defendants in both cases have the same counsel.

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9/6/2011

In light of the above, I ask that You remove this case from an expedited case management schedule and allow the instant Plaintiffs leave to file a motion for collective certification under the FLSA.

Thank You for Your time and attention to this matter.

Respectfully yours,



David C. Wims, Esq. (DW-6964)

cc: Hon. Roanne L. Mann (By ECF)
Jeremi Chylinski, Esq. (By ECF)